

IN THE MUNICIPAL COURT OF CHENEY
FOR THE STATE OF WASHINGTON, SPOKANE COUNTY

CITY OF CHENEY
CITY OF MEDICAL LAKE

ADMINISTRATIVE ORDER

In Re:

NO: 20-02

COURT OPERATIONS UNDER THE
PUBLIC HEALTH THREAT CREATED BY
COVID-19

Pursuant to GR 21 and the Washington State Supreme Court Order No. 25700- B-602 granted emergency authority to this Court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency; and

WHEREAS, on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that the plans and procedures of the Washington State comprehensive Emergency Management Plan be implemented; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency for the United States due to the COVID-19 health threat; and

WHEREAS, on March 14, 2020 Spokane County reported three confirmed COVID-19 cases.

WHEREAS, on March 15, 2020 the CDC provided guidance that large events and gatherings be canceled or postponed for eight (8) weeks.

WHEREAS, this Administrative Order is being issued in response to the outbreak of Coronavirus Disease (COVID-19) in Washington State, which has been home to the first reported domestic case of the disease and some of the first significant community impacts from school and business closures. Given the number of identified and projected cases of COVID-19 in Washington State and the severity of risk posed to the public, and given the above public health recommendations from local public health authorities; and

WHEREAS, conducting regular court hearings with large groups of persons in the court room results in exposure to large groups of people which is contrary to the recommendations of health authorities and contrary to the Governor's proclamations under the current state of emergency; and

WHEREAS, the Court seeks to limit the number of in person hearings/contacts during the health emergency;

IT IS HEREBY ORDERED that EFFECTIVE IMMEDIATELY, and UNTIL FURTHER ORDER OF THE COURT:

Relating to COURT ADMINISTRATION

1. Effective Friday, March 17, 2020 the Court's clerk window will be closed to the public.
2. Payments will continue to be accepted online, by mail, over the phone, and also by depositing in the Court Drop Box located outside of the Court. Credit Card fees associated with online or phone payments are suspended until April 30, 2020.
3. The Court will maintain regular hours of operation unless otherwise amended by further order and notice to the Administrative Office of the Courts.
4. A Judge will be available for any necessary hearings by use of video or telephone appearances. Jail bookings will be heard at Spokane County District Court.
5. Emergency Motions and agreed orders may be submitted by the parties to the court by email, mail or, fax. An answer will be returned in the same manner as submitted.
6. Civil infraction mitigation or contested hearings will be conducted by mail or over the internet by use of the electronic hearing process.

7. Youth Court hearings are suspended until further order of the court. Youth court cases where hearings have not been held will be returned to the municipal court for adjudication. Contact the clerk's office for specific case information.
8. Probation functions will be limited to telephonic meetings and all substance abuse monitoring will be addressed on a case by case basis. Contact Probation at (509) 498-9260.
9. A public defender will be appointed to all in-custody defendants at no expense.
10. Defendants may apply for the public defender by contacting (509) 498-9231, or by email at: CourtClerk@cityofcheney.org.
11. All filings will be accepted vial mail, email, fax, or by deposit in the Court Drop Box.
Phone: (509) 498-9231
Email at: CourtClerk@cityofcheney.org
Fax: (509) 498-9332
Mailing and Physical Address: Cheney Municipal Court
611 2nd St
Cheney, WA 99004

Relating to CRIMINAL MATTERS

12. CrRLJ 4.1(a)(2) regarding "speedy arraignment" is hereby suspended until further order of this Court.
13. CrRLJ 3.3(e)(8): All continuances granted and matters ordered rescheduled by the Court while this order is in effect shall be "excluded periods" for the purpose of calculating time for trial.
14. Effective immediately, the Court will continue or reschedule criminal matters until after May 7, 2020. The clerk will notify the parties of a new court date with notice sent by U.S. mail. Defendants can contact the Court to update a mailing address by phone at: (509) 498-9231, or by email at: CourtClerk@cityofcheney.org.
15. The Court reserves the right to maintain or schedule hearings in criminal matters for cases involving threats to public safety: including but not limited to domestic violence offenses and driving while under the influence / physical control.
16. The Court will hear in-custody cases at Spokane County District Court.
17. Attorneys will be notified by the clerk of any court hearings.
18. Attorneys are encouraged to submit agreed orders for off docket review to the Court where appropriate.
19. All warrant bookings will be reviewed by a judicial officer to determine whether release is appropriate and when the matter should be scheduled.
20. Any substantive or emergent motions will be filed with the Court. A determination will be made about time, method and place of hearing and notice given to attorneys and defendants by phone, email, fax or US mail if time permits.
21. A defendant may contact the Court by email or telephone to quash a bench warrant at: (509) 498-9231, or by email at: CourtClerk@cityofcheney.org. The request will be

- heard ex parte by the Court. The defendant shall provide a current mailing address, and if applicable a phone number and email address.
22. All persons ordered to check in with probation shall do so via telephone by calling (509) 498-9260.

Relating to MOTIONS TO MODIFY OR REMOVE NO CONTACT ORDERS

1. A protected party may request forms by mail, or by calling or emailing the clerk at (509) 498-9231 or emailing: CourtClerk@cityofcheney.org. The clerk will mail or email the necessary forms to the protected party. The forms may be returned to the Court for filing via mail, email, fax, or deposit in the Court Drop Box. A telephonic or video hearing will be set after the forms are returned and filed. Notice will be sent in the same manner received. If the filing came by deposit in the Court Drop Box notice will be mailed.
2. Motions to remove or modify No Contact Orders will be scheduled at a place, time and by method determined by the judge. The attorneys, defendant, and protected party may each appear by telephone or video. The clerk will send notice by US Mail with instructions.
3. Decisions will be mailed to the parties by the clerk.

Relating to CIVIL INFRACTION MATTERS

1. Operation of IRLJ 2.6 and AWHGR 2.6 are hereby suspended until further Order of the Court.
2. Effective immediately, all civil infraction matters will be continued to May 21, 2020 or later. The clerk of the Court will send written notice to all parties. In lieu of the rescheduled hearing, parties have the option to submit a written statement or use the electronic hearing process. Contact the clerk's office for information about using the electronic hearing process at (509) 498-9231.
3. Effective immediately, all new requests for in-person mitigation or contested court hearings on civil infractions shall be scheduled for May 21, 2020 or later, or heard by written statement by mail or electronic hearing pursuant to IRLJ 3.5. Written statement shall be sent to the Court by mail, the Court's drop box, email, or by the electronic hearing process.

This Order may be amended or withdrawn as warranted to address the on-going public health emergency.

Dated this 17TH day of March, 2020.

RICHARD M LELAND
Cheney Municipal Court Judge